

ARTICLE II. - THE COUNCIL

Section 2.01. - The Council.

There shall be a Council composed of a Mayor and six (6) Councilmembers, all of whom are elected by the qualified voters of the City at large. The term of office for Mayor and all Councilmembers shall be a period of four (4) years to begin with the municipal election in 2017 for the Mayor and Councilmembers in Positions 2, 4 and 6 and in 2018 for Councilmembers in Positions 1, 3 and 5. No member of Council shall be elected for more than two (2) consecutive terms.

(Charter Election of [5-9-2015](#))

Section 2.02. - Qualifications.

A member of the Council shall be a citizen of the United States of America and a qualified voter of the State of Texas. He or she shall be a resident within the corporate limits of the City, and shall have been for a period of twelve (12) months prior to the election. No Councilmember currently holding an unexpired term on Council may file for another office without resigning from his or her current unexpired term. A member of the Council ceasing to possess any of the qualifications specified in this Charter or who is convicted of a felony while in office shall immediately forfeit his or her office.

(Election of 5-7-2005)

Section 2.03. - Compensation of members of City Council.

Members of the Council shall serve without pay or compensation; provided, however, that they shall be entitled to necessary expenses incurred in the performance of their official duties. The method of reimbursement shall be determined by the Council.

Section 2.04. - Mayor and Mayor Pro-Tem.

The Mayor shall be the official head of the City government. He or she shall preside at all meetings of the Council, shall have a vote on all Council actions, and shall when authorized by the Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. He or she shall perform such other duties consistent with this Charter or as may be imposed upon him or her by Council. He or she shall not have the power of veto.

The Mayor Pro-Tem shall be a Councilmember and be selected by the Council at the second regular Council meeting following a runoff election if any, but not more than the second regular Council meeting in June of each year in those years of no elections for Councilmembers. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor or if the office is vacated and in this capacity shall have the rights conferred upon the Mayor. Should the Mayor refuse or is unable to perform in his or her official capacity, the Mayor Pro-Tem shall act in his or her stead for that specific case. Should neither the Mayor nor Mayor Pro-Tem be able to perform, the Council may designate another member to act in his or her stead for that specific case.

(Election of 5-7-2005; Charter Election of 5-8-2010)

Section 2.05. - Vacancies, forfeiture, filling of vacancies.

- (a) *Vacancies:* The office of a Councilmember or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.

- (b) *Forfeiture of Office:* A Councilmember or the Mayor shall forfeit his or her office if he or she:
- (1) Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law,
 - (2) Violates any expressed prohibition of this Charter,
 - (3) Fails to discharge official duties as provided in this Charter,
 - (4) Is convicted of a felony, or
 - (5) Fails to attend three (3) consecutive regular Council meetings without being excused by the Council by first notifying the City Secretary of the absence; emergency absence notwithstanding. Regular Council meeting is defined as the Council meeting required in Section 2.10 in this Charter, which is held at least once each month and is identified on the agenda as "regular" scheduled meeting.
- (c) *Filling of Vacancies:* Any Council vacancy shall be filled in accordance with state law. A vacancy for an unexpired term of 12 months or less may be filled by appointment by a vote of four or more councilmembers. Vacancies of Councilmembers with unexpired terms of more than 12 months shall be filled by a majority vote of the qualified voters at a special election called for such purpose within one hundred twenty (120) days after such vacancy or vacancies occur. However, if such vacancy or vacancies occur within one hundred twenty (120) days preceding a regular election, then no special election shall be called and the vacant positions shall be filled at the same time as the next regular election.

Notwithstanding the requirement in section 2.12 that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four (4), elections shall be held in conformance with state law. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.

- (d) *Removal from Office:* Any charge of a violation or infraction must be formally submitted in writing to the City Secretary at a regular Council meeting with copies furnished to all Councilmembers. A charge filed in accordance with this Section may not be considered by the City without a favorable vote of a super majority of all Councilmembers present excepting the member or members charged. In the event a majority of Councilmembers are included in a charge, all Councilmembers shall be entitled to vote on proceeding with the charges. The Council may, by majority vote, appoint a special investigator to investigate and present facts surrounding the charge and may establish review processes not in conflict with this Charter or State Law including referring the charge to the Ethics Review Commission for recommendation. The charged Councilmember or members, including the Mayor, shall have a reasonable period of time to cure the stated infraction, as applicable, not to exceed forty-five (45) days. The member(s) charged shall have the right of representation. If found to be innocent of all charges the person upon request may be reimbursed for all reasonable expenses required in his or her defense. No person charged in accordance with this Section may be removed until:
- 1) Formal charges as described above have been filed,
 - 2) The time period has expired to cure the alleged infraction,
 - 3) A public hearing has been held and the individual charged has been given an opportunity to answer any charges, and
 - 4) A supermajority vote of all Councilmembers present excepting those accused finds that the charged member has committed the infraction alleged in the petition.

Once the procedural requirements of the Charter have been satisfied, and the above finding has been made, the Council by Resolution shall immediately declare the forfeiture of the office and that individual's seat or position in question vacant as a result of Council's determination. All parties shall have the right to review by a court of competent jurisdiction.

(Election of 5-7-2005; Charter Election of 5-8-2010; Charter Election of [5-9-2015](#).)

Section 2.06. - Powers.

All powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 2.07. - Prohibitions.

- a) *Holding Other Office:* Except where authorized by law, neither the Mayor or any other Councilmember shall hold any other City Office or City Employment during his or her term as Mayor or Councilmember, and no former Mayor or Councilmember shall hold any compensated appointive City office or City employment until two (2) years after the expiration of his or her term as Mayor or Councilmember.
- b) *Appointments and Removals:* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officials or employees whom the Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officials and employees.
- c) *Interface with Administration:* Except for the purpose of inquiries and investigations under Section 2.16, the Council or its members shall deal with the City officials and employees who are subject to the direction and supervision of the Manager, solely through the Manager, and neither the Council nor its members shall give orders to any such official or employee, either publicly or privately.

Section 2.08. - Induction of Council into office; meeting of council.

The City Council shall conduct the canvass of all regular and special officers' elections in accordance with the Texas Election Code at a regular or special council meeting at which the newly elected Councilmembers shall qualify and assume the duties of office. Thereafter, the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. All meetings of the Council with the exception of those exempted by State Statute shall be open to the public and normally held at Seabrook City Hall, or if necessary, any other facility within the city limits of Seabrook except under special conditions; special meetings and emergency meetings shall be called by the City Secretary upon request of the Mayor, or a majority of the members of the Council and shall be publicly announced.

(Charter Election of 5-8-2010; Charter Election of [5-9-2015](#))

Editor's note— A Charter election held on [May 9, 2015](#), repealed the former §§ 2.08 and 2.09, and renumbered §§ 2.10—2.17 as §§ 2.08—2.15. The former §§ 2.08 and 2.09 pertained to administrative offices and departments, and City Secretary, respectively. Similar provisions are now reflected in Art. IV.

Section 2.09. - Council to be judge of qualifications of its members.

The Council shall be the judge of the election and qualifications of its members and for such purpose shall have powers to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the Courts.

(Charter Election of [5-9-2015](#))

Note— See note at § 2.08.

Section 2.10. - Rules of procedure.

The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting at a regular scheduled time on the agenda in regard to any matter whether or not the topic they wish to discuss is under consideration on the agenda. Any member of Council may place any ordinance or topic in writing on the agenda of any Council meeting. The Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Voting, except of procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Four (4) Councilmembers shall constitute a quorum for the purpose of transaction of business and no action of the Council, except as provided elsewhere in this charter or in state law, shall be valid or binding unless adopted by the affirmative vote of a majority of the Councilmembers present and voting aye or nay. Abstentions shall not be counted as an aye or nay vote and shall be allowed.

(Election of 5-7-2005; Charter Election of 5-8-2010; Charter Election of [5-9-2015](#))

Note— See note at § 2.08.

Section 2.11. - Passage of ordinances in general.

- (a) *Form:* The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except when an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections, or sub-sections to be amended or repealed, and shall indicate matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring.
- (b) *Procedure:* Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of Council before first reading. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens, upon request to the City Secretary, before first reading and, if amended, shall be available and furnished in the amended form for as long as the proposed ordinance is before Council.

A proposed ordinance, except an election ordinance and/or an emergency and/or a budget/tax ordinance, shall be read at two (2) Council meetings, with at least two (2) weeks elapsing between each reading. At any reading of a proposed ordinance, persons interested shall have a reasonable opportunity to be heard. Emergency ordinances shall be passed in accordance with Section 2.14 and budget/tax ordinances in accordance with Article V and election ordinances in accordance with Article VII.

- (c) *Effective Date:* Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published in its entirety or in summary form once in the official City newspaper or as otherwise required by law. Additionally, the City Secretary will post the adopted ordinance within 10 days after adoption on the City's homepage (on the Internet) and the City's communication TV channel. The City's Internet homepage and the City's TV channel shall be used for publication purposes when practical; however, such publication shall not be a condition precedent to the enforcement of said ordinance unless and until state law requires such electronic publication. The Council shall enact an ordinance to enforce this provision.
- (d) *Reading:* The reading aloud of the title and caption of the ordinance shall suffice as a reading, provided printed copies of the ordinance, in the form required for adoption, are in front of all members of Council and a reasonable number of additional copies are available to citizens present

at the meeting. If two (2) Councilmembers request that the ordinance be read in its entirety, it must be so read.

(Election of 5-7-2005; Charter Election of 5-8-2010; Charter Election of [5-9-2015](#))

Note— See note at § 2.08.

Section 2.12. - Emergency ordinances.

The Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. In particular such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in Article V. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of four (4) or more Councilmembers shall be required for adoption except as otherwise specifically provided in this charter, e.g. Section 5.05, "Emergency Appropriations." After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first (61st) day following the day on which it became effective, but this shall not prevent reenactment as a regular ordinance.

(Charter Election of [5-9-2015](#))

Note— See note at § 2.08.

Section 2.13. - Authentication, recording, codification, printing, distribution of ordinances.

- (a) *Authentication and Recording:* The City Secretary shall authenticate by signature and seal in full in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the Council. All ordinances shall be numbered consecutively in the order in which adopted. This record shall be open for public inspection.
- (b) *Codification:* Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide for the preparation of a codification of all general ordinances of the City. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purposes of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. The codification shall be adopted by the Council by ordinance and shall be published promptly together with this Charter and any amendment thereto and with appropriate references to State Statutes and the State Constitution, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Seabrook City Code and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code. Copies of the code shall be furnished to City officials, placed in City offices and on the City website and made available for purchase by the public at a reasonable price fixed by the Council.
- (c) *Printing of Ordinances and Resolutions:* The Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinance and Charter amendments shall be distributed free or sold to the public at reasonable prices to be

fixed by the Council. Following publication of the first Seabrook City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein.

A copy of each ordinance and resolution shall be placed in City offices and on the city website.

(Charter Election of [5-9-2015](#))

Note— See note at § 2.08.

Section 2.14. - Investigation by City Council.

The Council shall have power to inquire into the conduct of any office, department, agency, official, or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine. The Council shall enact an ordinance to enforce this provision.

(Charter Election of [5-9-2015](#))

Note— See note at § 2.08.

Section 2.15. - Officials protected from financial loss.

Duly elected and appointed City officials, acting in their official capacity, shall be protected by the City from personal financial loss resulting from the official's good faith decisions made while in official sessions as a result of lawsuits filed pertaining to such decisions.

(Charter Election of [5-9-2015](#))

Note— See note at § 2.08.